

ORDINANCE NO. 89- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 71-9A AS FOLLOWS:
SECTION I - PROVIDING FOR THE DIRECTOR OF PLANNING, ZONING AND BUILDING TO ASSESS AND FILE LIENS FOR THE COST OF REMOVAL AND STORAGE OF INOPERATIVE VEHICLES; (REMOVAL OF WRECKED OR DISCARDED VEHICLES FROM PRIVATE PROPERTY);
SECTION 2 (DISPOSITION OF ABANDONED VEHICLES); PROVIDING FOR NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE VEHICLE; PROVIDING FOR REMOVAL OF THE VEHICLE; PROVIDING FOR VIOLATION PENALTIES AND ENFORCEMENT PURSUANT TO LAWS OF FLORIDA, SP. ACTS CH. 67-2053 SECTIONS 6 & 7; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 65-2053, Laws of Florida 1965, authorized the Board of County Commissioners of Palm Beach County to dispose of wrecked or discarded motor vehicles; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds it necessary to exercise this power to promote the health, safety, and general welfare of Palm Beach County by providing for a method of removal of wrecked, abandoned, inoperative or discarded vehicles from private property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SEC. 1 - REMOVAL OF WRECKED, INOPERATIVE OR DISCARDED VEHICLES:

No person in charge or control of any property in Palm Beach County, Florida, outside of municipalities, whether as owner, tenant, occupant, or otherwise, shall allow any non-operative, wrecked, junked, discarded or partially dismantled motor vehicle to remain on such property longer than ten (10) days, except this ordinance shall not apply to a vehicle in an enclosed building; nor to vehicles under a roofed structure, nor to vehicles on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; nor when said motor vehicles are in an appropriate storage place or depository maintained in a lawful place and manner.

1 (1) If the owner or owners of any property in the
2 unincorporated portions of Palm Beach County upon which is
3 located a motor vehicle in violation of this section do
4 not comply with the requirements of this section within
5 the ten (10) day period, the Board of County Commissioners
6 of Palm Beach County through its enforcement officers may
7 have the motor vehicle removed and the cost thereof shall
8 be a lien against said property, which charge and lien
9 shall be forthwith due and payable with interest thereon
10 at six percent (6%) per annum from the due date.

11 (2) The ~~Highway-Safety-Department~~ Sheriff of Palm Beach County
12 or the Board of County Commissioners through its Code
13 Enforcement Division or other authorized representative
14 shall be responsible for the removal of all motor vehicles
15 found to be in violation of this section.

16 (3) When motor vehicles are found on property in the
17 unincorporated areas of Palm Beach County, Florida, and
18 are suspected of being in violation of this ordinance, the
19 ~~Highway-Safety-Department~~ Code Enforcement Division shall
20 cause a notice to be placed upon such motor vehicle, and a
21 copy to be delivered or to be sent by mail to the owner or
22 owners of the property upon which the motor vehicles are
23 located notifying such owner or owners, of the fact that a
24 motor vehicle is on their property and reasonably appears
25 to be in violation of this Ordinance. Such notices shall
26 be substantially in the following form:

27 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN
28 THE ATTACHED PROPERTY

29 This property to wit; (setting forth brief description) located
30 at (setting forth brief description of location) is improperly stored and
31 is in violation of (setting forth ordinance violated) and you have ten

1 days from the date of receipt of this notice to remove said vehicle(s)
2 from your property; otherwise it shall be removed and destroyed by order
3 of the Board of County Commissioners of Palm Beach County.

4 You are hereby notified that you must remove the above-described
5 vehicle(s), failing in which the Board of County Commissioners will have
6 it done and the cost thereof shall be levied as an assessment against
7 such property.

8 Dated this:
9 (setting forth date of posting notice)

Signed: (Setting forth name,
title, address and telephone
number of enforcing officer)

11 (4) If the property owner or someone in his behalf has not
12 removed the motor vehicle or vehicles as described in said
13 notice within ten (10) days from the date of receipt
14 thereof, the County of Palm Beach shall forthwith remove
15 the same and shall through its employees, servants, agents
16 or contractors, be authorized to enter upon the property
17 and take such steps as are reasonably required to remove
18 the motor vehicle or vehicles.

19 (5) As soon after such removal of the motor vehicle as
20 feasible, the cost thereof to the County shall be
21 tabulated ~~and reported~~ by the ~~Highway-Safety-Division~~
22 Code Enforcement Division ~~to the Board of County~~
23 ~~Commissioners~~ and reported to ~~Thereupon the Board of~~
24 ~~County-Commissioners~~ Director of Palm Beach County
25 Planning, Building and Zoning ~~by-resolution who~~ shall
26 assess such cost against such parcel. ~~The Such-resolution~~
27 assessment shall describe the land and show the cost of
28 removal of the vehicle actually incurred by the County
29 with respect thereto. Such assessments shall be legal,
30 valid and binding obligations upon the property against
31 which made until paid. The assessment shall become due
32 and payable thirty (30) days after the mailing of the
33 notice of assessment after which interest shall accrue at
34 the rate of ten percent (10%) per annum on any unpaid
35 portion thereof.

(6) The ~~Clerk~~ Administration shall mail a notice to the record owner or owners of each said parcel of land described in the ~~resolution~~ assessment at the last available address for such owner or owners, which notice may be in substantially the following form:

NOTICE

TO: _____
ADDRESS: _____
PROPERTY: _____

You, as the record owner of the property described above, are hereby advised that the Board of County Commissioners of Palm Beach County, Florida, did on the _____ day of _____, 19____, order the removal of a motor vehicle or vehicles located on the property, sending you notice thereof, such motor vehicle(s) being

(description of motor vehicle or vehicles)

A copy of such notice has been heretofore sent you.

You failed to remove such vehicle(s) whereupon, it was removed by Palm Beach County at a cost of _____. Such cost, ~~by resolution of the Board of County Commissioners of Palm Beach County,~~ has been levied against the above property and will become a lien thereon. You may pay such assessment to the ~~officer of the office of the Clerk of the Circuit Court~~ Director of Finance of Palm Beach County, ~~County Courthouse~~ Governmental Center West Palm Beach, Florida.

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(7) No earlier than ninety (90) days after the assessment has been made, the ~~Board of County Commissioners~~ Director of Planning, Building & Zoning shall cause a certified copy of the assessment in the form of a lien to be filed in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, and the lien shall become effective as the date of filing such copy with the Clerk of the Circuit Court.

(8) Such ~~assessments~~ liens, together with interest thereon, may be enforced by civil action the same as other liens are enforceable in the State of Florida.

(9) Said lien shall be valid and binding for 5 years from the date of filing.

1 SEC. 2 - DISPOSITION OF ABANDONED VEHICLES:

2 The Sheriff of Palm Beach County or the Board of County
3 Commissioners of Palm Beach County, through its Code Enforcement Division
4 or other authorized representative is authorized to remove any vehicle
5 left at any place in Palm Beach County, outside of municipalities, which
6 reasonably appears to be in violation of this act or lost, stolen or
7 unclaimed. Such vehicle shall be impounded for a period of ninety (90)
8 days in a place to be designated by the Board of County Commissioners of
9 Palm Beach County and if such vehicle shall not be reclaimed by the
10 owner, lienor or other interested person within said ninety (90) day
11 period, the title to such vehicle shall become absolutely vested in Palm
12 Beach County.

13 NOTIFICATION OF REMOVAL TO OWNER AND OTHER INTERESTED PARTIES:

14 The enforcement officer, after taking possession of any motor
15 vehicle pursuant to this article, shall furnish notice in accordance with
16 this section by certified mail (return receipt requested) to the last
17 known registered owner of the motor vehicle at his last known address
18 within thirty (30) day of the date of which possession of the motor
19 vehicle is taken, with a copy of the notice to the owner or occupant of
20 the property from which the vehicle is taken.

21 Notice under this section shall contain the following information:

- 22 a. Year, make, model, and serial number of the
23 motor vehicle.
- 24 b. The name and address of the last known
25 registered owner of the motor vehicle, if
26 available.
- 27 c. The vehicle registration number and the title
28 registration number of the motor vehicle, if
29 available.
- 30 d. The date on which the motor vehicle was removed.
- 31 e. The location from which the motor vehicle was
32 removed.
- 33 f. The location at which the motor vehicle is being
34 stored or, in the alternative, a number which to
35 contact.

36 The notice shall also advise the persons to whom it
37 is given that the person who is entitled to
38 possession of the motor vehicle may reclaim it upon
39 payment to Palm Beach County or their agent, of all

1 charges incurred by the County for the removal and
2 storage of the motor vehicle. If such reclamation is
3 not made within ninety (90) days after date of the
4 notice, the right to reclaim the motor vehicle, shall
5 be deemed to be waived and such persons shall be
6 deemed to have consented to the disposition of the
7 motor vehicle by the County.

8 If the County is unable to identify properly the last
9 registered owner of any motor vehicle or if unable to
10 obtain with reasonable certainty the names and
11 addresses of the owner or other interested parties,
12 including lienholders, it shall be sufficient notice
13 under this section to publish a notice one (1) time
14 in a newspaper of general circulation in Palm Beach
15 County directed to all whom it may concern, setting
16 forth the removal of such vehicle and notifying all
17 interested persons that title to the vehicle will
18 vest in the County unless within such ninety-day
19 period the vehicle is reclaimed and reasonable costs
20 and storage charges are paid to the County. Such
21 notice by publication may contain multiple listings
22 of motor vehicles.

23 No claim against Palm Beach County for such removal or for the
24 value of such vehicle shall be valid unless presented in writing to the
25 Code Enforcement Division before the expiration of said ninety (90) days.
26 After said ninety (90) day period, the Board of County Commissioners of
27 Palm Beach County, through the Code Enforcement Division, may dispose of
28 such vehicle, either by junking same or by Sheriff sale or otherwise.

29 SEC. 3 - VIOLATIONS - PENALTY:

30 Any person violating any of the provisions of section (1) of
31 this Act or Sections 19-93, 19-94 or 19-95 of the Code of Palm Beach
32 County shall and upon conviction thereof be punished in accordance

1 with the general laws of the State of Florida relating to punishment for
2 misdemeanors, including but not limited to up to 60 days imprisonment
3 and/or fine of up to \$500.00. Each day such violation is committed or
4 permitted to continue shall constitute a separate offense and shall be
5 punishable as such.

6 SEC. 4 SAME - INJUNCTION:

7 Violations of this Act may be enjoined or otherwise prosecuted
8 by Palm Beach County or by the Code Enforcement Division by civil action
9 in addition to the enforcement set forth in Section 3 and Section 19-97.

10 REPEAL OF LAWS IN CONFLICT

11 All local laws and ordinances applying to the unincorporated
12 area of Palm Beach County in conflict with any provisions of this
13 ordinance are hereby repealed.

14 SEVERABILITY

15 If any section, paragraph, sentence, clause, phrase, or word of
16 this ordinance is for any reason held by the Court to be unconstitu-
17 tional, inoperative or void, such holding shall not affect the remainder
18 of this ordinance.

19 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

20 The provisions of this ordinance shall become and be made a
21 part of the code of laws and ordinances of Palm Beach County, Florida.
22 The Sections of the ordinance may be renumbered or relettered to
23 accomplish such, and the word "ordinance" may be changed to "section,"
24 "article," or any other appropriate word.

25 EFFECTIVE DATE

26 The provisions of this ordinance shall become effective upon
27 receipt of acknowledgement by the Secretary of State.

28 APPROVED AND ADOPTED by the Board of County Commissioners of
29 Palm Beach County, Florida, on the 31st day of October, 1989.

30 PALM BEACH COUNTY, FLORIDA, BY ITS
31 BOARD OF COUNTY COMMISSIONERS

32 By Care Elmer
33 Chairman

34 APPROVED AS TO FORM AND
35 LEGAL SUFFICIENCY

36 Barbara C. C. C.
37 County Attorney

1 Acknowledgement by the Department of State of the State of
2 Florida, on this, the 8th day of November, 1989.

3 EFFECTIVE DATE: Acknowledgement from the Department of State
4 received on the 14th day of November, 1989, at 11:07^{AM}, and
5 filed in the Office of the Clerk of the Board of County Commissioners of
6 Palm Beach County, Florida.

7 [INOPERATIVE VEHICLE ORDINANCE]